

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

CATHERINE HALL,

Plaintiff,

v.

BANK OF AMERICA, N.A.,  
A Delaware corporation,

Defendant.

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CIVIL ACTION FILE  
NO. \_\_\_\_\_

**DEFENDANT BANK OF AMERICA, N.A.'S NOTICE OF REMOVAL**

TO: Melvin L. Hewitt, Jr., Esq.  
Hilary W. Hunter, Esq.  
Isenberg & Hewitt, P.C.  
600 Embassy Row, Suite 150  
Atlanta, GA 30328

Pursuant to U.S.C. Sections 1441 and 1446, Defendant Bank of America, N.A., by its attorneys, submits this Notice of Removal to the United States District Court for the Northern District of Georgia, and state the following in support of this Notice of Removal:

1. On or about June 10, 2022, Plaintiff Catherine Hall commenced a civil action in the State Court of Gwinnett County, State of Georgia, Catherine Hall v. Bank of America Corporation, a Delaware corporation, Civil Action File Number:

22-C-03215-S6 (the "Complaint"). The Complaint was served on Defendant on June 21, 2022.

2. On July 29, 2022, Plaintiff and Defendant filed a Consent Motion to substitute Bank of America Corporation with Bank of America, N.A. as the properly named Defendant ("Consent Motion"). On August 3, 2022, the Honorable Judge Veronica Cope of the State Court of Gwinnett County, State of Georgia, granted the Consent Motion. Plaintiff filed and served an Amended Complaint against Bank of America, N.A. on August 15, 2022 ("Amended Complaint").

3. Plaintiff served her Response to Defendant Bank of America, N.A.'s First Request for Admissions on July 18, 2022. Upon receipt of Plaintiff's Response to Defendant Bank of America, N.A.'s First Request for Admissions, Defendant learned that Plaintiff is seeking damages greater than or equal to \$75,000.00.

4. A true and correct copy of the Complaint, Amended Complaint, and all process, pleadings, and orders served upon Defendant in this action is attached as **Exhibit A**. A true and correct copy of Plaintiff's Response to Defendant's First Request for Admissions is attached as **Exhibit B**.

5. The time for filing this Notice of Removal under 28 U.S.C. § 1446 has not yet expired.

6. Removal of this action is based upon 28 U.S.C. § 1441 in that this is a civil action brought in a state court of which the district courts have original jurisdiction under 28 U.S.C. § 1332.

7. There is complete diversity of citizenship between Plaintiff and Defendant in this action because: (a) Plaintiff is a citizen of the State of Georgia; and (b) Bank of America, N.A. is a citizen of the State of North Carolina.

Bank of America, N.A. is a citizen of the State of North Carolina because its articles of association establish that location as its main offices. See 28 U.S.C. § 1348; Wachovia Bank v. Schmidt, 546 U.S. 303, 307, 126 S. Ct. 941, 945 (2006) (“[A] national bank, for § 1348 purposes, is a citizen of the State in which its main office, as set forth in its articles of association, is located.”); see also Hill v. Bank of America Corp., No. 06-cv-804GE, 2006 WL 1518874, at \*1 (N.D. Ga. May 30, 2006) (“Bank of America, N.A. . . . is a national banking association located in the State of North Carolina, as designated in its articles of association”). Accordingly, Bank of America, N.A. is a citizen of North Carolina for federal diversity purposes.

8. Based upon Paragraph 4 of Plaintiff’s Response to Defendant’s First Request for Admissions, which states that “Plaintiff denies that her special and general damages are less than \$75,000.00,” Defendant has a good faith belief that

the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

WHEREFORE, Defendant respectfully requests that the Court enter an Order removing Civil Action Number 22-C-03215-S6 from the State Court of Gwinnett County, State of Georgia, to this Court for further proceedings and that this Court take jurisdiction herein and make such further orders as may be just and proper.

THIS 16th day of August, 2022.

Respectfully submitted,

By: **Melanie Taylor**

Attorney Bar Number: 643325  
Attorney for Defendant Bank of America  
Bendin Sumrall & Ladner, LLC  
One Midtown Plaza, Suite 800  
1360 Peachtree Street, NE  
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**CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that on the 16th of August, 2022, the foregoing  
DEFENDANT'S NOTICE OF REMOVAL was typed in Times New Roman,  
fourteen (14) point font with a top margin of 1.5 inches.

By: **Melanie Taylor** \_\_\_\_\_

Attorney Bar Number: 643325

Attorney for Defendant Bank of America

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BANK OF AMERICA, N.A.,	)	
A Delaware corporation,	)	
	)	
Defendant.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have presented the foregoing DEFENDANT BANK OF AMERICA, N.A.'S NOTICE OF REMOVAL to the Clerk of Court for filing and served upon all parties to this matter by depositing a true copy of same via electronic mail, addressed to the following attorney of record:

Melvin L. Hewitt, Jr., Esq.  
Hilary W. Hunter, Esq.  
Isenberg & Hewitt, P.C.  
600 Embassy Row, Suite 150  
Atlanta, GA 30328  
E-mail: mel@isenberg-hewitt.com  
E-mail: hilary@isenberg-hewitt.com

[CONTINUED ON NEXT PAGE]

THIS 16th day of August, 2022.

Respectfully submitted,

By: **Melanie Taylor**

Attorney Bar Number: 643325

Attorney for Defendant Bank of America

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